



Public Notice

U.S. Army Corps Of Engineers Galveston District	Permit Application No: _____	23573(01)
	Date Issued: _____	10 April 2006
	Comments Due: _____	11 May 2006

**U.S. ARMY CORPS OF ENGINEERS, GALVESTON DISTRICT
AND
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

PURPOSE OF PUBLIC NOTICE: To inform you of a proposal for work in which you might be interested. It is also to solicit your comments and information to better enable us to make a reasonable decision on factors affecting the public interest. We hope you will participate in this process.

AUTHORITY: This application will be reviewed pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act.

APPLICANT: City of Jamaica Beach
P.O. Box 5264
Jamaica Beach, Texas 77554-0264

AGENT: Lockwood, Andrews, & Newnam, Inc.
2925 Briarpark Drive
Houston, Texas 77042-3720
Telephone: 713-821-0418
POC: C. E. Hermansen

LOCATION: The project is located along the Gulf of Mexico shoreline, approximately 500 feet south of the Buccaneer Drive and Jamaica Beach Road intersection, in Jamaica Beach, Galveston County, Texas. The proposed sand source (borrow area) is located approximately 3700 feet south of the Eight-Mile Road and Sportsman Road intersection, in Galveston, Galveston County, Texas. The **project site** can be located on the U.S.G.S. quadrangle map entitled: Lake Como, Texas. Approximate UTM Coordinates in NAD 27 (meters): Zone 15; Easting: 308244; Northing: 3229525. The **borrow area** can be located on the U.S.G.S quadrangle map entitled: Virginia Point, Texas. Approximate UTM Coordinates in NAD 27 (meters): Zone 15; Easting: 315517; Northing: 3237155.

PROJECT DESCRIPTION: The applicant proposes to amend CESWG Department of the Army (DA) permit 23573 which authorized the discharge of up to 200,000 cubic yards of native material for beach nourishment within a 50-acre project site. The permitted sand source was the Sunbird borrow area. DA permit 23573 was issued on April 19, 2005 and is scheduled to expire on December 31, 2010. The applicant proposes to modify the existing permit and discharge approximately 50,000 cubic yards of material into 10.6 acres of open waters of the Gulf of Mexico, within the original limits of the existing permit. The original 50-acre permit area will remain. The applicant is also requesting a variance of Special Condition #2 of DA Permit 23573, which states, “No beach nourishment activities or any other work will be conducted during the Kemp’s Ridley sea turtle nesting period, from March 15th to September 30th”. The variance is sought for the 2006 calendar year only. The applicant proposes to follow several avoidance and minimization measures to ensure that the beach nourishment activities are not likely to adversely affect Kemp’s Ridley sea turtles. Furthermore, the applicant proposes to utilize a different sand source than was previously permitted. The applicant proposes to excavate approximately 2.83 acres of dune swale wetlands adjacent to West Galveston Bay to obtain the fill material for the project site. Additionally, approximately 2.66 acres of herbaceous, grazed wetlands will be filled to provide an access road to the sand source. The 2.66 acres of wetland will be restored upon project completion. As mitigation for converting 2.83 acres of wetlands to open waters, the applicant proposes to vegetate 2.58 acres of newly restored dune at the Jamaica Beach Subdivision. As further mitigation, the borrow site landowner proposes to eradicate 1.10 acres of salt cedar stands on his property to allow more productive wetland vegetation to colonize. The borrow site land owner has submitted a separate DA application to excavate approximately 14.11 acres of additional wetlands contiguous with the borrow source for anticipated future projects.

NOTES: This public notice is being issued based on information furnished by the applicant. This information has not been verified. The applicant’s plans in 7 sheets and a detailed sea turtle monitoring plan in 3 sheets are enclosed.

A preliminary review of this application indicates that an Environmental Impact Statement (EIS) is not required. Since permit assessment is a continuing process, this preliminary determination of EIS requirement will be changed if data or information brought forth in the coordination process is of a significant nature.

Our evaluation will also follow the guidelines published by the U.S. Environmental Protection Agency pursuant to Section 404 (b)(1) of the Clean Water Act (CWA).

OTHER AGENCY AUTHORIZATIONS: Texas Coastal Zone consistency certification is required. The applicant has stated that the project is consistent with the Texas Coastal Management Program goals and policies and will be conducted in a manner consistent with said program.

This project would result in a direct impact of greater than three acres of waters of the state or 1500 linear feet of streams (or a combination of the two is above the threshold), and as such would not fulfill Tier I criteria for the project. Therefore, Texas Commission on Environmental Quality (TCEQ) certification is required. Concurrent with U.S. Army Corps of Engineers (Corps) processing of this application, the TCEQ is reviewing this application under Section 401 of the CWA and in accordance with Title 30, Texas Administrative Code Section 279.1-13 to determine if the work would comply with State water quality standards. By virtue of an agreement between the Corps and the TCEQ, this public notice is also issued for the purpose of advising all known interested persons that there is pending before the TCEQ a decision on water quality certification under such act. Any comments concerning this application may be submitted to the Texas Commission on Environmental Quality, 401 Coordinator, MSC-150, P.O. Box 13087, Austin, Texas 78711-3087. The public comment period extends 30 days from the date of publication of this notice. A copy of the public notice with a description of work is made available for review in the TCEQ's Austin office. The complete application may be reviewed in the Corps office listed in this public notice. The TCEQ may conduct a public hearing to consider all comments concerning water quality if requested in writing. A request for a public hearing must contain the following information: the name, mailing address, application number, or other recognizable reference to the application; a brief description of the interest of the requester, or of persons represented by the requester; and a brief description of how the application, if granted, would adversely affect such interest.

NATIONAL REGISTER OF HISTORIC PLACES: The staff archaeologist has reviewed the latest published version of the National Register of Historic Places, lists of properties determined eligible, and other sources of information. The following is current knowledge of the presence or absence of historic properties and the effects of the undertaking upon these properties:

A historic properties investigation has been conducted within the permit area. The report is entitled, *A Cultural Resource Assessment of the Sullivan Ranch, Galveston County, Texas* prepared by TAS Inc., dated 2005. No sites determined eligible for or listed on the National Register of Historic Places are within the permit area.

THREATENED AND ENDANGERED SPECIES: Threatened and/or endangered species or their critical habitat may be affected by the proposed work. Consultation with the U.S. Fish and Wildlife and/or the National Marine Fisheries Service will be initiated to assess the effect on endangered species.

ESSENTIAL FISH HABITAT: This notice initiates the Essential Fish Habitat consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. Our initial determination is that the proposed action would not have a substantial adverse impact on Essential Fish Habitat or Federally managed fisheries in the Gulf of Mexico. Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the National Marine Fisheries Service.

PUBLIC INTEREST REVIEW FACTORS: This application will be reviewed in accordance with 33 CFR 320-330, the Regulatory Programs of the Corps, and other pertinent laws, regulations and executive orders. The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors, which may be relevant to the proposal, will be considered: among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs and, in general, the needs and welfare of the people.

SOLICITATION OF COMMENTS: The Corps is soliciting comments from the public, Federal, State, and local agencies and officials, Indian tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Impact Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

This public notice is being distributed to all known interested persons in order to assist in developing facts upon which a decision by the Corps may be based. For accuracy and completeness of the record, all data in support of or in opposition to the proposed work should be submitted in writing setting forth sufficient detail to furnish a clear understanding of the reasons for support or opposition.

PUBLIC HEARING: Prior to the close of the comment period any person may make a written request for a public hearing setting forth the particular reasons for the request. The District Engineer will determine whether the issues are substantial and should be considered in the permit decision. If a public hearing is warranted, all known interested persons will be notified of the time, date, and location.

CLOSE OF COMMENT PERIOD: All comments pertaining to this Public Notice must reach this office on or before **11 May 2006**. Extensions of the comment period may be granted for valid reasons provided a written request is received by the limiting date. **If no comments are received by that date, it will be considered that there are no objections.** Comments and requests for additional information should be submitted to:

Andrew Williams
Regulatory Branch, CESWG-PE-RE
U.S. Army Corps of Engineers
P.O. Box 1229
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DISTRICT ENGINEER
GALVESTON DISTRICT
CORPS OF ENGINEERS